

**FILED**

SEP 23 2015

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

In the United States District Court  
For the Southern District of West Virginia

DAVID E. KATES

[Plaintiff]

v.

Declaration  
of David Kates

Lt. Martin

Tony R Norris

[Defendants]

1:15-13412

David Kates hereby declares:

That on 9-18-15 around 8:15 P.M. Lt. Martin came to cell 136, C-range to discuss with me about taking a cello. I gave him the reasons why I refused, he then became angry and brate and start making statements outloud in front of other inmates "you are a scared bitch, a rat + snitch, I should of let your old cello beat your ass." He then walk off, came back about 30-minutes stating "he would put me in shackles and chains if I didn't take a cello and once he got a call from his supervisors for this process that my ass would be his." These statements put my life in jeopardy at F.C.I. McBowen by inmates and Lt. Martin threats and unprofessional actions. I swear up under the penalty of perjury pursuant to 28 USC 1746 that this statement is true.

Affiant: David E. Kates

Date: 9-20-15

DAVID E. KATES # 30428-077  
Federal Correctional Institution Mc Bowed  
Post Office Box-1009  
Wetzel, W.V. 24701



LETTER MAIL 1009

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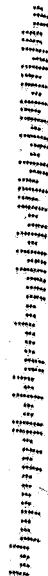
(Clark)  
U.S. District Court  
Southern Dist. of West Virginia  
P.O. BOX 4128  
Bluefield, W.V. 24701

Logal Mail

9-19-15, MAIL DATE

9-20-15, POST MARK DATE

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per F.A.C.M.M. P. 1493, 1701 & 1703